

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BASIL SIMON *IN HIS CAPACITY AS RECEIVER FOR*
FUTURENET GROUP, INC.,

Plaintiff,

Docket No.:19-cv-00904

v.

NOTICE OF MOTION

CAPITAL MERCHANT SERVICES, LLC,

Defendant.

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PLEASE TAKE NOTICE THAT, upon the accompanying declaration of Christopher R. Murray, the supporting exhibits thereto, and the Memorandum of Law, Defendant, CAPITAL MERCHANT SERVICES, LLC, shall move this Court before the Hon. Katherine Polk Failla, U.S.D.J., at the United States District Court, 40 Foley Square, Courtroom 618, New York, New York, 10007, at such and place as the Court may direct for an Order pursuant to Fed. R. Civ. P. 12(b)(1), (6), and (7), dismissing this action for failure to allege facts sufficient to state a claim, the Court's discretion not to hear mere State Court ancillary proceedings, failure to allege facts sufficient to allege standing, failure to join a necessary party, and for all other reasons raised in the Memorandum of Law.

Pursuant to the Court's Scheduling Order dated June 6, 2019, the Opposition Papers must be filed and served by July 29, 2019, and reply papers must be filed by August 29, 2019.

Dated: Tarrytown, New York
June 28, 2019

/s/ Christopher R. Murray
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To Via ECF:
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